IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 448 OF 2001
IN
SUIT NO. 5014 OF 2000

Mrs.Kokila Shah & Anr. .. Plaintiffs.

V/s.

Mr. Shabbir N. Patel .. Defendant.

And

Municipal Corporation of Gr.Mumbai .. Respondent.

Mr.N.F.Kumana i/by Kumana & Co. for the Plaintiffs.

Mrs.B.Iyer i/by Doijode & Associates for the Defendant.

CORAM : S. A. BOBDE, J.

DATED : 23rd JANUARY, 2007.

P.C.:

. By order dated 21st October, 2002 this court directed the Prothonotary and Senior Master to appoint a suitable person from the panel, for taking accounts in relation to payment of property taxes of the suit property so that total liability of the property taxes may be ascertained and apportioned. The Prothonotary appointed the CVK & Associates, Chartered Accountants, to do the said work. The said Chartered Accountants submitted the reports on 14th March, 2006 and on 27th

March, 2006. They raised the bill for Rs.1,14,718/-, on the basis of the payment booking sheets. The said Chartered Accountant has not been paid fees, apparently because the parties feel that the bill is on the higher side. No concrete material is pointed out to demonstrate the apprehension of the parties.

2. The learned counsel for the defendant submits that the report is not complete since it is made on the wrong basis and there are discrepancies in it. That may be valid consideration for accepting or not accepting the report. But that cannot be use as a ground for denying payment of fees to the professionals.

3. In the circumstances, I consider it appropriate to direct the parties to pay the bill of dated 27th March, 2006 to be borne, equally by both the parties to the dispute i.e. the plaintiffs and defendant. The bill may be paid within a period of three weeks from today i.e. by 15th February, 2007.

4. Order accordingly.

(S.A.BOBDE,J.)

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